GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Rules – The Illegally Acquired Property (Receipt, Management and Disposal) Rules, 2018– Notification - Orders –Issued.

ENVIRONMENT FORESTS SCIENCE & TECHNOLOGY (Section-II) DEPARTMENT

G.O.MS.No. 58 **Dated: 21-05-2018**

Read the following:-

1. The Andhra Pradesh Forest (Amendment) Act, 2016 (A.P. Act No.15 of 2016) published in the Extra-ordinary issue of the Andhra Pradesh Gazette No.15, Part IV-B, Dated. 19-5-2016.

2. From the Principal Chief Conservator of Forests & HoFF, A.P., Lr. No.1547/2018/Legal cell (1), Dt.2-2-2018.

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ORDER :

The following notification will be published in an Extra-ordinary issue of the Andhra Pradesh Gazette, dated. 25-05-2018.

Notification

In exercise of the powers conferred by sub-section(1) of Section 60D read with section 68 of the Andhra Pradesh Forest Act, 1967 (Act No. 1 of 1967) and of all other powers hereunto enabling, the Government of Andhra Pradesh hereby makes following rules stipulating the procedure to be adapted for the functioning of the Administrator.

RULES

1**. Short title and commencement**.—

(1) These rules may be called the "Illegally Acquired Property (Receipt, Management and Disposal) Rules, 2018 ".

(2) They shall come into force as on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) “Act” means the Andhra Pradesh Forest Act, 1967 (Act No. 1 of 1967)

(b) “Administrator” means any officer appointed by the State Government under sub-section (1) of section 60D of the Act;

(c) “Form” means the form annexed to these rules;

(d) “Fund” means the National Fund for Control of Drug Abuse, constituted under sub-section (1) of section 7A of the Act;

(e) “godown” means a godown for storage of property received under sub-section (2) of section 60D of the Act.

3. Assistance to the Administrators.—The State Government may provide from time to time such members of staff and other persons as it thinks fit to assist he Administrator in exercise of his powers and performance of duties under these rules.

4. Designation of godowns.—

(1) The Administrator shall designate as many godowns as may be necessary for the storage of property mentioned in the orders made under sub-section (1) of section 60C or sub-section (3) of section 60-F of the Act.

(2) The Administrator shall select godowns referred to in sub-rule (1), keeping in view the security of the premises, storage capacity, nature of property and other relevant factors.

(3) Each designated godown shall have a godown keeper and a godown-in-charge to assist the Administrator.

5. Proper accounting of properties.—The Administrator shall, at the time of receiving the properties, ensure proper identification of such property with reference to its particulars

mentioned in the order made under sub-section (1) of section 60C or sub-section (3) of section 60-F of the Act, as the case may be.

6. Godown register.—The Administrator shall cause a register in Form I for recording entries in respect of property other than the properties referred to in rule 7 to be maintained.

7. Godown register for valuables.—The Administrator shall cause a register in Form II for recording entries in respect of property, namely, gold and gold jewellery, diamonds (including rough and uncut diamonds), precious and semi-precious stones other than diamond and wrist watches (hereinafter called 'valuables') to be maintained.

8. Storage of property.—

(1) The Administrator shall ensure that the packages containing valuables are kept in the godown in an iron safe and vault, under double lock system, one key remaining with the godown-keeper and the other to be retained by the godown-in-charge.

(2) Where, for any valid reasons, it is found that the packages containing valuables may not be kept in godown, such packages shall be kept in lockers obtained exclusively for this purpose, either with any branch of the Reserve Bank of India or of any nationalized bank.

(3) The packages referred to in sub-rules (1) and (2) shall be stored systematically case wise, serial wise, year wise and with proper identification marks to facilitate re-check and inspection.

9. Management of land and building.—The Administrator may authorize any officer referred to in section 60P of the Act to take possession of vacant land or building in respect of which—

(i) an order of seizure of freezing of such land or building has been made under sub-section (1) of section 60C of the Act; or

(ii) an order for forfeiture of such land or building has been made under sub-section (1) of section 60-F of the Act.

10. Occupation of land or building.—

(1) Where any property in the nature of land or building is in possession of a lessee or a tenant and against such property and order under sub-section (1) of section 60C of the Act has been made, the Administrator may allow the lease or tenant to continue in occupation of such land or building in accordance with such terms and conditions which existed on the date of passing an order under sub-section (1) of section 60C of the Act.

(2) The income derived from such property shall be kept with the Administrator until such time the competent authority declares the property forfeited under sub-section (3) of section 60-F.

(3) Where any property is declared not liable to be forfeited under the Act, the Administrator shall, within reasonable time, return to the person such property and the income derived there from after deducting such expenses if any, which were incurred on the maintenance and management of the property.

11. Record of land or building.—The Administrator shall maintain a record of land or building in Form III.

12. Storage of property other than valuables.—

(1) Movable property other than valuables shall be stored in almirahs and racks.

(2) Each almirah and rack shall have a stock-card indicating the case number and full description of the property.

13. Placement of stock-cards.—The godown-in-charge shall ensure that the racks or almirahs or any other thing used for storage of property, display stock-cards indicating the case number and full description of the property stored.

14. Opening and re-sealing of the packages.—

(1) Where any package is to be opened for any reason, the same shall be opened in the presence of the owner and the concerned godown-in-charge after obtaining the order of the Administrator.

(2) The packages shall be re-sealed immediately after the purpose, for which such packages were opened, is fulfilled in the presence of the owner and the concerned godown-in-charge.

(3) At the time of re-sealing, the owner, and the concerned godown-in-charge, shall affix their seals.

15. Maintenance of seized/confiscated conveyances.—Conveyances, such as aircrafts, vessels, motor vehicles and any other mode of conveyance shall be properly maintained by the godown-in-charge.

16. Disposal of livestocks, perishables, etc.—Subject to the sale proceeds being credited to the account as may be specified by the State Government, the Administrator shall dispose of the livestock and property which is perishable in nature or prone to decay in the manner as he deems fit.

17. Disposal of valuables.—Subject to the sale proceeds being credited to account as may be specified by the State Government, the Administrator shall dispose of the valuables mentioned below in the following manners, namely:—

(1) Gold, gold jewellery, silver and silver jewellery.—The valuables, namely, gold, gold jewellery, silver and silver jewellery shall be deposited in the Government of India Mints which shall credit the value of such property to the State Government.

(2) Diamonds.—Rough and uncut diamonds shall be sold either by auction or tender to import licence holders against debit of their licences. Cut and polished diamonds shall be sold by auction or tender with the specific condition that such diamonds shall be exported.

(3) Precious and semi-precious stones other than diamonds.—

(i) Rough and uncut precious and semi-precious stones other than diamonds shall be sold by auction or tender to holders of import licences against debit of their licences in the internal market.

(ii) Cut and polished precious and semi-precious stones, other than diamonds, shall be sold internally, by auction or by tender.

18. Disposal of currency.—

(1) Indian and Foreign currency shall be deposited with the Reserve Bank of India or any Nationalized Bank.

(2) The amount so deposited shall be credited to the account as may be specified by the State Government.

19. Disposal of the property.—Property other than those mentioned in rules 16 to 18 shall be disposed of by public auction.

20. Disposal of land or building.—Subject to the relevant provisions of any law relating to the acquisition or disposal of immovable property and also subject to the sale proceeds being credited to the account as may be specified by the State Government, land or building shall be disposed of by tender or by public auction.

21. Disposal of conveyances.—Conveyances, such as aircrafts, vessels, vehicles and other mode conveyance shall be sold by public auction of or by tender.

22. Furnishing reports and returns.—The Administrator shall furnish a quarterly statement to the Competent Authority indicating the value of the property received and disposed of and the closing balance of all properties kept in the godowns and banks.

23. Periodical Reports.—The godown-in-charge shall submit, every month, a report to the Administrator of the property received or disposed of during the period.

24. Periodical inspection.—The Administrator with a view to ensuring safety, security, proper accounting and management of all properties in the godowns, conduct physical inspection and verification with the help of such officers as he thinks fit.

25. Record of receipt and disposal.—The Administrator shall maintain a record of receipt and disposal of all properties received and disposed of under these rules. He shall also maintain an account of all income received and expenditure incurred on receipt, management and disposal of such property.

FORM I
(see rule 6)
GODOWN REGISTER

1. Godown entry Sl. No.

2. Offence case No.

3. Description of property

5. Name(s) and address(es) of accused.

6. Name with official designation and address of seizing

8. Facsimile of the seal put on the seizures by the seizing officer

9. Date and time of deposit.

10. Particulars of exit and re-entry for exhibiting to competent authority/Tribunal.

11. Date and time of removal for disposal.

12. Disposal particulars.

13. Certificate of disposal including price payment particulars

14. Remarks of the Inspecting Officer(s).

FORM II
(see rule 7)
GODOWN REGISTER FOR VALUABLE*

1. Godown entry Sl. No.

2. Offence case No.

3. Description of the valuables in packages/containers.

4. No of packages/containers (item wise).

5. Condition of seal at the time of entry.

6. Quantity (package/container wise).

7. Name(s) and address(es) of accused.

8. Name with official designation and address of seizing/depositing officer.

9. Facsimile of the seal put on the packages/containers by the seizing/depositing officer.

10. Date and time of deposit.

11. Particulars of exit and re-entry for exhibiting to competent authority/Tribunal.

12. Date and time of removal for disposal.

13. Disposal particulars.

14. Remarks of the Inspecting Officer(s).

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*Valuables will include: (1) Precious and semi-precious stones; (2) Gold and articles of gold; (3) Jewellery; (4) Silver and articles of silver; and (5) Watches.

Form III
(See rule 11)
RECORD FOR LAND AND BUILDING

Sl. No.	Crime No.	Particulars of the Last Owner (s)	Location	Description as per municipal revenue Records	Area (in case of land)	Value	Annual Income	Remarks
1	2	3	4	5	6	7	8	9

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Andhra Pradesh
Government Regional Press Building,
1st Floor, Mutyalampadu, Vijayawada. (He is requested to furnish 50 copies to Government and 500 copies to the Principal Chief Conservator of Forests & Head of Forest Force, Andhra Pradesh)

The Principal Chief Conservator of Forests & Head of Forest Force,
Andhra Pradesh, Guntur.
Copy to:
The Law (G) Department.
The P.S. to the Special Chief Secretary to the Hon'ble Chief Minister.
The P.S. to the Hon'ble Minister (FES&T)

// FORWARDED :: BY ORDER //

SECTION OFFICER